

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13960, of 1313 L Street, N.W., Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 and a variance from the side yard requirements (Paragraph 4304.13) to construct an office building for a labor union headquarters with two dwelling units in an HR/SP-2 District at premises 1313 L Street, N.W., (Square 247, Lots 56, 57, 82, 800, 801, 842, 848, 849 and 850).

HEARING DATE: May 11, 1983
DECISION DATE: June 1, 1983

FINDINGS OF FACT:

1. The subject site is located on the north side of L Street between 13th and 14th Streets, N.W. and is known as premises 1313 L Street, N.W. It is in an HR/SP-2 District.

2. The site is generally rectangular in shape containing approximately 18,245 square feet of land area and has approximately 107.25 feet of frontage on L Street. The site is presently used as a commercial parking lot with a capacity of approximately ninety-five cars.

3. The site is abutted on the west by a fifteen foot wide public alley followed by a three story row dwelling occupied by the Muzak Electric Company and a two-story structure housing the National Tire Dealers Association, both in the HR/SP-2 District. A new twelve-story office building is located at the northeast corner of the intersection of 14th and L Streets with ground floor retail, commercial bank and a commercial garage in the C-4 District.

4. To the north, the site is abutted by a thirty foot wide public alley followed by the rear of an eight-story structure occupied by the U.S. Catholic Conference on the south side of the 1300 block of Massachusetts Avenue in the HR/SP-2 District. Other structures and uses on the south side of the 1300 block of Massachusetts Avenue include a five story structure occupied by doctors offices and apartments, an eight-story apartment house and a ten-story nursing home, all in the HR/SP-2 District. Northwest of the site in the subject square with frontage on 14th Street are a new twelve-story office building under construction, a two-story structure containing a piano shop, a four-story structure with an arcade on the ground floor, a four-story

structure with a bar on the ground floor and a twelve-story Holiday Inn, all in the C-4 District.

5. To the east immediately abutting the site a thirty foot wide public alley extends along the eastern lot line. On the east side of the alley there is a five-story structure containing a printing company and offices, followed by another five-story structure occupied by the Washington Council of Agencies, a three-story structure containing vacant apartments and a restaurant on the ground floor and an Exxon gasoline service station at the northwest corner of the intersection of 13th and L Streets, N.W., all in the HR/SP-2 District. Further east across 13th Street is a twelve-story apartment house in the HR/SP-2 District. The east side of the subject square along 13th Street is characterized by vacant and boarded three and four-story structures.

6. To the south of the site across L Street in the C-4 District is the five-story United Planning Organization office building, a ten-story office building, a parking lot and a gasoline service station at the southwest corner of the intersection of 13th and L Streets, N.W. At the southeast corner of the intersection of 13th and L Streets is a new eleven-story office building in the C-4 District.

7. The applicant proposes to construct a six-story office building with two residential units on the top floor and a three-level below-grade parking garage. The building will be the headquarters for the Service Employees International Union hereinafter referred to as SEIU. The SEIU is an international union serving a membership of over 7,000 employees in the health care, public sector and building maintenance industries.

8. The SEIU is presently located at 2020 K Street, N.W. and has outgrown its leased space. The SEIU wants to re-establish itself within the District of Columbia in a new international headquarters building that will serve its current and future office space requirements.

9. It is projected that the new headquarters will be fifty percent occupied by SEIU immediately, and eventually occupied entirely by SEIU. During the interim period before SEIU completely occupies the building, other SP office users will occupy the space.

10. The present SEIU staff comprises ninety-three persons who will initially occupy the building. It is anticipated that a total work force of 230 persons will occupy the building.

11. The proposed building is designed to be compatible with neighboring structures. It will be constructed of brick with a unique tile roof with a trellised roof terrace serving the residential units. A ground level skylight will run along the building's western side providing natural light to the first cellar level. The building above the first cellar level will be set back from the west property line approximately fifteen feet. There will be a court yard off of the L Street main entrance. The proposed landscaping of the main entrance court yard and L Street frontage will enhance the proposed building and the immediate area.

12. The proposed residential units will each be two-bedroom units with kitchen and bathroom facilities, and living and dining room areas. These units will share a thirty-nine foot by twenty-one foot recreation area. Access to these units will be via two sets of fire stairs and elevators accessible to the remainder of the building.

13. The site has frontage on L Street which is a one-way eastbound minor arterial street with a forty-four foot wide pavement in the vicinity of the site. Two-hour metered parking is allowed from 9:30 A.M. to 4:00 P.M. on the north side of the street. The south side is reserved for U.S. Government cars.

14. Other streets bounding the subject square include 13th and 14th Streets. Both are arterial streets with seventy foot wide pavements. Two-hour metered parking is allowed on both sides of these streets from 9:30 A.M. to 4:00 P.M.

15. The site is served by adequate public transportation. Metrobus routes 50, 52 and 54 operate on 14th Street, with a bus stop 400 feet from the site. Service is provided at two to eight minute intervals during the peak periods in the peak direction. Off-peak service is available at fifteen to twenty minute intervals.

16. Sixty-one off-street parking spaces are proposed to be located in a three-level below grade garage with access from the adjoining fifteen foot wide public alley. Forty-five nine foot by nineteen foot parking spaces will be provided. The remaining sixteen spaces will be for compact cars. Use of the alley for access will permit the closing of an existing curb cut.

17. The applicant, at the request of the D.C. Department of Transportation, is providing an easement of 2.5 feet along the western lot line to permit the widening of the abutting fifteen foot wide public alley to 17.5 feet to improve public access and use of the alley. The applicant could build as a matter-of-right up to the west lot

line but has determined that it would not be in the public interest as requested by the Department of Transportation.

18. One loading berth will be provided at the rear of the structure in the northeast portion of the site off of the thirty foot wide public alley. The loading berth will measure twelve feet by twenty feet. The proposed berth will accommodate a thirty-foot truck.

19. The applicant's traffic expert testified that the proposed development would not create dangerous or other objectionable traffic conditions for the following reasons:

- a. The number of parking spaces provided is consistent with present usage by the major tenant and other buildings in the downtown area.
- b. The sixty-one marked parking spaces provided are less than the number presently on the site. Therefore, the effect on traffic using the surrounding streets will be no greater and is probably less than under current conditions.
- c. The parking for the building will be accessed from the alley, which will allow the removal of one existing curb cut thus reducing the number of pedestrian/vehicle conflicts, a positive safety factor relative to the proposed use.
- d. Given the present alley and the expected usage from the proposed building, the existing fifteen foot alley is adequate. Widening by 2.5 feet to 17.5 feet would make it more comfortable to use but is not required for capacity purposes.
- e. The loading dock location has good accessibility from the alley and is not constrained by the proposed building structure.

The Board concurs with the traffic expert's findings.

20. The HR/SP-2 District allows a maximum lot occupancy of eighty percent or 14,596 square feet. As proposed, 9,985 square feet is provided.

21. A total maximum floor area ratio of 6.0 is allowed in the HR/SP-2 District and 73,140.53 square feet is permitted. A maximum floor area ratio for non-residential uses of 3.5, or 63,857.5 square feet is allowed, and 63,440.53 square feet is provided. The balance of 2.5 F.A.R. or 45,612.5 square feet is allowed for residential use, and 9,700 square feet is provided.

22. A maximum height of ninety-feet is allowed and 89.8 feet in six stories is provided.

23. A minimum rear yard of 18.5 feet is required and is provided.

24. A minimum of thirty-five off-street parking spaces are required. Forty-five spaces nine feet by nineteen feet and sixteen other spaces are provided.

25. A minimum of one loading berth is required and one is provided.

26. No side yard is required. As proposed, 2.5 feet is provided requiring a variance of 12.76 feet or 83.62 percent. The variance is from the side yard requirement of Paragraph 4304.13 which states that if a side yard is provided, it shall be at least two inches wide for each foot of height of the building, in this case, 15.26 feet.

27. The proposed office for a labor union is compatible with uses in the neighborhood. The design of the proposed building conforms with the height, bulk and character of surrounding properties.

28. The D. C. Department of Transportation, by memorandum dated May 6, 1983, reported that the proposed project was viable from a transportation viewpoint. The DOT reviewed the impact of the project by considering the difference between the amount of traffic currently generated by the existing use and that which would result from the proposed project. The applicant will provide more off-street parking spaces than the Zoning Regulations require but less than what the present use provides. The DOT was of the opinion that the project will lessen the level of traffic to and from the site and will have a negligible impact on the surrounding streets. The DOT further reported that it had requested the applicant to establish a 2.5 foot sit-back as an easement to widen the existing fifteen foot alley. The Board concurs with the views and recommendations of the DOT.

29. At the Public Hearing, the Board requested an additional report from the DOT and responses from the applicant's traffic expert on the following issues:

- a. The question of safety on the part of pedestrians and cars using the various alley surrounding the site on the west, north and north-east, to Massachusetts Avenue and L Street.

- b. Evaluation of the application in the context of the entire one-way west to east L Street corridor where development of the sites along L Street between 14th Street and 11th Street seems imminent. The Board was concerned that without some controls the subject section of L Street would develop into the same traffic impact situation that exists on L Street west of Connecticut Avenue.

30. The D. C. DOT by memorandum dated May 24, 1983, offered the following additional observations:

- a. The alley system is adequate to support the proposed parking and loading facilities without endangering vehicular or pedestrian traffic. The applicant proposes to provide access to these facilities by widening the existing fifteen north-south alley west of the site to 17.5 feet. The existing thirty foot alley bordering the site on the north and northeast provides ample maneuvering and turning room, ensuring that all cars and trucks will be able to both enter and leave the site via L Street through the widened north-south alley.
- b. The development will have a negligible effect on the one-way L Street traffic flow. Since the parking and loading facilities will be located at the rear of the site, with access via the existing alley system, no new curb cuts will be required, and vehicles will approach these facilities from the alley, rather than impeding traffic by entering directly from L Street. Accordingly, controls on traffic circulation do not appear to be warranted in this situation.

31. The applicant's traffic expert concurred with DOT's responses in its May 24, 1983, memorandum and offered further the following comments:

- a. The nature of the alley system in Square 247 is such that there are two fifteen foot arms and two even narrower arms that feed a central thirty foot alley in the square. At present, because of overflow parking from surface lots and construction on 1335 Green Court, the alley system gives an impression of considerable confusion. This situation will improve considerably once development of the square is completed with buildings such as proposed in the subject application. With interior parking and established loading areas, much of the present confusion and illegal parking will disappear. Further, if the Board grants the variance to permit widening the

north-south alley to 17.5 feet, movement along this alley will be more comfortable.

- b. Relative to the Board's second concern about congestion on L Street, east of 14th Street, zoning permits less density along L Street east of 14th Street. The poor traffic service on L Street west of 14th Street is a function of several factors including heavy pedestrian flows and intensive delivery activity which frequently double parks because of the higher density office buildings. The lower densities east of 14th Street, will produce less intensive activity and, therefore, should have less of an effect on traffic movement along L Street. Thus, although there will be more activity than there is at present, the traffic situation would never be as intense as it now is on L Street in the vicinity of Connecticut Avenue.

The Board concurs in the findings of the D.C. Department of Transportation and the applicant's traffic expert.

32. The Office of Planning, by memorandum dated May 4, 1983, recommended approval of the application. The Office of Planning was of the opinion that this application meets the criteria of Paragraph 4101.44 necessary for approval of a special exception for office use in the SP District. The Office of Planning further believed that the special circumstances surrounding the need for the side yard variance supported the finding of a practical difficulty in an area variance case. In addition, the Office of Planning believed that the variance will not adversely affect neighboring properties or be inconsistent with the purpose and integrity of the Zoning Regulations as specified in Paragraph 8207.11. The Board concurs in the findings of the Office of Planning.

33. Advisory Neighborhood Commission 2C, by letter dated May 4, 1983, stated it did not receive any citizen objection to the application. No other issues or recommendations were offered.

34. No one appeared in opposition at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking one special exception and one area variance. With regard to the special exception, the applicant must prove that it has complied with the requirements of Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the applicant has met its burden of

proof, and the proposed use meets the requirements of the Zoning Regulations. The use, height, bulk and design of the structure will be in harmony with the area. The use of the structure for SP offices will not create any dangerous or objectionable traffic conditions. The application provides sixty-one off-street parking spaces below grade and the subject property is well served by mass transit as stated in Finding No. 15. The below-grade garage will have access from the abutting public alley to the west of the site and will eliminate an existing curb cut in L Street. The loading berth will be provided at the rear of the building and is accessible from the thirty-foot wide alley.

As to the area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner, the Board concludes that the subject site is unique and affected by unusual and exceptional circumstance. The Department of Transportation has requested that the applicant provide a 2.5 foot easement area usable for alley purposes. The Board concludes the applicant's compliance with a request to provide additional alley area in order to carry out the policies of the District of Columbia Government creates an exceptional condition.


The Board concludes that there is a practical difficulty in complying with the Zoning Regulations because of the Department of Transportation request. Further, the Board notes that the bulk of the building will actually be set back approximately fifteen feet from the west lot line because a skylight is proposed. The Board concludes that the proposed side yard will improve existing conditions in the alley by providing additional light and air and better access to and from the alley system in the square.

The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that landscaping shall be in accordance with the Landscape Plan marked as Exhibit No. 28A of the record.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Carrie L. Thornhill, Maybelle Taylor Bennett and Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG - 8 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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